

REMARKS/ARGUMENTS

1. "20 April 2005" vs "13 July 2005" Response Consideration and Acknowledgment
Examiner's Office Action Summary of 13 July 2005 and Detailed Action (pg. 2, line 2) is responsive to Applicant's response of "9 June 2005", whereas Applicant's latest prior response was dated 20 April 2005. It is unclear whether Examiner reviewed or considered this 20 April 2005 Response in preparing Examiner's 13 July 2005 non-final Office Action. Applicant requests Examiner consider and acknowledge both the 20 April 2005 Response and this Response.

2. Claims 6 and 9 Rejections Under 35 USC 112 (indefinite)

Examiner appears to continue to believe, incorrectly, that "as shown in Figs. 1-3 the base element(s) is attached to the face of the putter" (quotation from pg. 2 of Examiner's latest 7-13-05 Office Action).

The Specification of the subject invention clearly states that in all embodiments, the subject device is never rigidly attached to the putterface (pg. 4, lines 18-19; pg. 6, lines 31-32; pg. 7, lines 1-2; pg. 8, lines 29-35 "...not rigidly attached to club or shaft..."; pg. 9, lines 17-19 "...Fig. 1 sliding contact..."). This is also clearly stated in amended Claim 1.c. "...said base further having a rear surface...for making multiple contacts with (while not being attached to...in latest Amendment) the face of said putter..."
Applicant's prior Office Action responses of 10 July 2004 (pg. 10, lines 16-21 and pg. 11, lines 1-15), and 20 April 2005 (pg. 11, lines 1-15 "...it should be noted...never show any rigid attachment...")

Applicant acknowledges that absent the specification and claims descriptions as noted above, Figs. 1-3 (sliding multi-point clubface contact) and Fig. 4 (flexible tape or hinge attachment) may not clearly illustrate the unique lack of forward or rearward shaft

angle sensitivity of the subject invention. For Examiner's benefit, an Attachment to this response entitled "Contact or Flexible Attachment at Various Shaft Angles" is included.

Examiner will note how the subject invention per Figs. 1-4 (and unlike the prior art) allow forward and rearward (toward and away from intended target) grip and shaft movement without changing the attitude of the focused beam.

3. Claims 1-2, 5, 7, 9-10, 15 and 17 Rejections Under 35 USC 102(e) (anticipated by Hambly 6,579,191)

Applicant acknowledges Hambly discloses a focused beam emitter, holder, base, energy source, and activation means, but each and all of these elements are grossly different from those described and claimed in the subject invention. Both wrist watches and automobiles have wheels, gears, metal frames, glass windshields/lenses and batteries, but this clearly does not make them the same. Just as these common elements of a watch and an automobile are designed for totally different purposes, so also are the elements of Hambly and the subject invention. Hambly describes and claims a dynamic (i.e. ball striking) "putting system" for "practice putting." The subject invention describes and claims a static (neither ball nor putter moves) putter aim accuracy testing system readily easily permitting multiple "blind" aim tests (where the user can not use visible focused beams to improve subsequent aims during the test). Applicant encourages Examiner to consult with active golfers within USPTO and Mr. Vidovich before making a determination that Hambly's dynamic putter practice ball striking device anticipates the subject static aim accuracy blind testing device.

Hambly's "emitter" is in his holder, below his golf ball like device, not in the golf ball like device. His ball like device is designed to be struck with a putter at typical putterhead velocities unlike the present invention. His focused beam only claims visible light, not non-visible light (infrared or ultraviolet) or non-light focused beams

(radio-frequency or electro-magnetic) because his device can not perform blind static aim accuracy testing like the present invention, or any aim accuracy testing for that matter. Hambly only does dynamic stroke testing.

Hambly's holder is below not in his ball and does not conceal his emitter, which is visible to a user from above through a hole in the top of his ball before one strikes said ball (with a hole in the top). In the present invention, the holder is the golf ball like device and since the emitter hole or aperture is horizontal (not vertical like Hambly) it is not visible to a user from above and therefore looks like a real golf ball. In the present invention, the holder/ball is not struck by the user's putter. The user simply and gently contacts the putterface with two (or more) points on the integral base, thus making the focus beam perpendicular with the putterface and then aims the putterface at the intended target before activating the emitter. When used in the "aim testing" mode, the user does not see the emitter hits on the backstop behind the target until the multiple hit test is complete. Hambly's, unlike the present invention, base is huge and highly visible creating an unrealistic visual picture to a user viewing from above. His base is not rigidly attached to or integral with his holder or ball, per the present invention, but rather is stationary while his holder and ball move. His base includes his socket (27), socket sub-base (22), and huge user stand-on platform (60). His elevated strike ball (37) necessitates that his stand-on platform (60) be on a substantially higher plane than his targets, further preventing a realistic sighting picture. The large cavity in front of the strike ball (37) into which the strikeball and its' connecting shaft fall (see Figs. 1, 11 and 12) further increases the base size. The base elevation and large cavity in front of the strikeball prevent any realistic sighting picture. Because the base must support the user, it is large, heavy, not easily portable and expensive vs the present invention.

Hambly's activation means is the forward drop of his ball (37) when struck. The present invention activates the focus beam only after "aim" is achieved by the user via

any of three means: base contact switch (8) in Fig. 2, floor button (7), or shaft finger button (27).

With respect to Claims 2, 5, 7-10, 15 and 17, these Claims are dependent on Claim 1 which Applicant feels is not anticipated by Hambly for the reasons previously stated herein, and in the subject specification and prior responses of 7 October 2004 and 20 April 2005.

Additionally:

With respect to Claim 2, the subject invention uses visible light or alternatively non-visible light or focused non-visible radio frequency or electro-magnetic beams. Non-visible focused beams offer major advantages (users can't use one test to improve subsequent ones) for blind testing.

With respect to Claims 5 and 7, Hambly's device is also not attached to the putterface, but Hambly's device (ball) makes dynamic single point contact with the putterface (which may not be normal to either the target or stroke path which may differ from each other!). The subject invention's base (not ball) makes static multi-point contact with the putterface insuring the focused beam is normal to the putterface before user activation.

With respect to Claims 8 and 9, Hambly has mechanical means (52) to maintain its attitude relative to the ground, but no means of adjusting said attitude like the present invention. The ground is seldom flat.

With respect to Claims 10 and 15, Hambly's activation switch (52, 54) is triggered by dynamic ball impact, not user controlled foot or finger switches per the present invention.

With respect to Claim 17, Hambly's target (80) is a backstop screen, but it is not "optionally shielded" for blind testing or sensitive to non-visible light or energy beams or connected to a remote display (Claim 18).

4. Claims 3 and 4 Rejections Under 35 USC 103(a) Over Hambly via Official Notice (obviousness)

Neither Applicant nor Examiner found any prior art putter or other golf club training or testing device using non-visible light or other non-visible focused energy beam even while prior art visible light focused beam devices approach or exceed 100 in number. Few of these devices are suitable for static aim testing (most are for dynamic or ball striking practice like Hambly). None can accurately perform blind static aim tests on any club with a realistic sighting picture to the user like the subject invention. Non-visible focused beams have a major non-obvious advantage over all visible beams of the current art in that they can perform blind tests without user shields.

Infrared and ultraviolet light (both invisible to unaided eye) can not be equivalent to visible light by Official Notice for focused beam golf aim testing devices because these non-visible light focused beams have unique advantages for blind aim accuracy testing (users can't cheat by using prior visible target or ground strikes to improve subsequent tests!) and there are no examples of their use in the art.

Focused radio frequency or electromagnetic beams are not light, not visible, and not used in the art. They, therefore, can not be made equivalent by Official Notice to visible light.

5. Claim 12 Rejection Under 35 USC 103(a) (obviousness) over Hambly

It is not clear whether Examiner is rejecting Claim 12 (base and floor button weighting to prevent movement during use) or Claim 9 here (hinge or tape attachment of base to putterhead). Examiner references Hambly "see laser activation 50 in Fig. 2." Hambly has no floor button activation means to weight and Hambly's huge base, with user's weight on it, will not move. Regarding Claim 9, Hambly's device requires a dynamic strike with a putterhead and, therefore, his ball, and the emitter below it, can

not be flexibly attached to the putterface via hinge or tape to keep his focused beam normal to his strikeface.

6. Claim 11 Rejection Under 35 USC 103(a) over Halsey in view of Ogden

Applicant acknowledges that a beam activation switch on the club grip is not new art. Claim 11 is dependent on Claim 1 which is unique to the art and non-obvious.

7. Examiner's Response to Arguments (pg. 5)

See Section 2 and Section 3 of this response above.

Conclusion

In view of the above amended Claims and Remarks, it is submitted that the Claims are in condition for allowance. Reconsideration is, therefore, respectfully requested and allowance of Claims 1-18 is solicited.

Respectfully submitted,



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